

## TEXT OF PROPOSED LAWS

## PROPOSITION 47 (cont.)

100730. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 100745, appropriated without regard to fiscal years.

100735. The board, as defined in subdivision (b) of Section 100710, may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other approved form of interim financing, in accordance with Section 16312 of the Government Code, for the purpose of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The board, as defined in subdivision (b) of Section 100710, shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

100740. Notwithstanding any other provision of this chapter, or of the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

100745. (a) For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the Higher Education Facilities Finance Committee to be sold for the purpose of carrying out

this chapter. Any amounts withdrawn shall be deposited in the 2002 Higher Education Capital Outlay Bond Fund consistent with this chapter. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

(b) Any request forwarded to the Legislature and the Department of Finance for funds from this bond issue for expenditure for the purposes described in this chapter by the University of California, the Hastings College of the Law, the California State University, or the California Community Colleges shall be accompanied by the five-year capital outlay plan. Requests forwarded by a university or college shall include a schedule that prioritizes the seismic retrofitting needed to significantly reduce, in the judgment of the particular university or college, seismic hazards in buildings identified as high priority by the university or college. Requests forwarded by the California Community Colleges shall be accompanied by a five-year capital outlay plan reflecting the needs and priorities of the community college system, prioritized on a statewide basis.

100750. All money deposited in the 2002 Higher Education Capital Outlay Bond Fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

100755. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

100760. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.



## PROPOSITION 48

This amendment proposed by Assembly Constitutional Amendment 15 of the 2001–2002 Regular Session (Resolution Chapter 88, Statutes of 2002) expressly amends the California Constitution by amending and repealing sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

## PROPOSED AMENDMENT TO ARTICLE VI

First—That Section 1 of Article VI is amended to read:

SEC. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, *and superior courts*, ~~and municipal courts~~, all of which are courts of record.

Second—That Section 5 of Article VI is repealed.

~~SEC. 5. (a) Each county shall be divided into municipal court districts as provided by statute, but a city may not be divided into more than one district. Each municipal court shall have one or more judges. Each municipal court district shall have no fewer than 40,000 residents; provided that each county shall have at least one municipal court district. The number of residents shall be determined as provided by statute.~~

~~(b) On the operative date of this subdivision, all existing justice courts shall become municipal courts, and the number, qualifications, and compensation of judges, officers, attaches, and employees shall continue until changed by the Legislature. Each judge of a part time municipal court is deemed to have agreed to serve full time and shall be available for assignment by the Chief Justice for the balance of time necessary to comprise a full time workload.~~

~~(c) The Legislature shall provide for the organization and prescribe the jurisdiction of municipal courts. It shall prescribe for each municipal court the number, qualifications, and compensation of judges, officers, and employees.~~

~~(d) Notwithstanding subdivision (a), any city in San Diego County may be divided into more than one municipal court district if the~~

~~Legislature determines that unusual geographic conditions warrant such division.~~

~~(e) Notwithstanding subdivision (a), the municipal and superior courts shall be unified upon a majority vote of superior court judges and a majority vote of municipal court judges within the county. In those counties, there shall be only a superior court.~~

Third—That Section 6 of Article VI is amended to read:

SEC. 6. (a) The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, ~~3 three~~ judges of courts of appeal, ~~5 10~~ judges of superior courts, ~~5 judges of municipal courts~~, ~~2 two~~ nonvoting court administrators, and ~~such~~ any other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice for a ~~3-year~~ *three-year* term pursuant to procedures established by the council; ~~4 four~~ members of the State Bar appointed by its governing body for ~~3-year~~ *three-year* terms; and one member of each house of the Legislature appointed as provided by the house.

~~Vacancies in the memberships on the Judicial Council otherwise designated for municipal court judges shall be filled by judges of the superior court in the case of appointments made when fewer than 10 counties have municipal courts.~~

(b) Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

(c) The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

(d) To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute.

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(e) The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

(f) Judges shall report to the council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Fourth—That Section 8 of Article VI is amended to read:

SEC. 8. (a) The Commission on Judicial Performance consists of one judge of a court of appeal, ~~one judge of a superior court, and one judge of a municipal court and two judges of superior courts~~, each appointed by the Supreme Court; ~~2~~ two members of the State Bar of California who have practiced law in this State for 10 years, each appointed by the Governor; and ~~6~~ six citizens who are not judges, retired judges, or members of the State Bar of California, ~~2~~ two of whom shall be appointed by the Governor, ~~2~~ two by the Senate Committee on Rules, and ~~2~~ two by the Speaker of the Assembly. Except as provided in subdivisions (b) and (c), all terms are for ~~4~~ four years. No member shall serve more than ~~2~~ 4-year four-year terms, or for more than a total of 10 years if appointed to fill a vacancy. ~~A vacancy in the membership on the Commission on Judicial Performance otherwise designated for a municipal court judge shall be filled by a judge of the superior court in the case of an appointment made when fewer than 10 counties have municipal courts.~~

(b) Commission membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term. A member whose term has expired may continue to serve until the vacancy has been filled by the appointing power. Appointing powers may appoint members who are already serving on the commission prior to March 1, 1995, to a single ~~2-year~~ two-year term, but may not appoint them to an additional term thereafter.

(c) To create staggered terms among the members of the Commission on Judicial Performance, the following members shall be appointed, as follows:

(1) Two members appointed by the Supreme Court to a term commencing March 1, 1995, shall each serve a term of ~~2~~ two years and may be reappointed to one full term.

(2) One attorney appointed by the Governor to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(3) One citizen member appointed by the Governor to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(4) One member appointed by the Senate Committee on Rules to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(5) One member appointed by the Speaker of the Assembly to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(6) All other members shall be appointed to full ~~4-year~~ four-year terms commencing March 1, 1995.

Fifth—That Section 10 of Article VI is amended to read:

SEC. 10. The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. The appellate division of the superior court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition to the superior court in causes subject to its appellate jurisdiction.

Superior courts have original jurisdiction in all other causes ~~except those given by statute to other trial courts~~.

The court may make ~~such~~ any comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause.

Sixth—That Section 15 of Article VI is amended to read:

SEC. 15. A person is ineligible to be a judge of a court of record unless for ~~5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts~~, the person has been a member of the State Bar or served as a judge of a court of record in

this State. ~~A judge eligible for municipal court service may be assigned by the Chief Justice to serve on any court.~~

Seventh—That Section 16 of Article VI is amended to read:

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) ~~(1) In counties in which there is no municipal court, judges~~ Judges of superior courts shall be elected in their counties at general elections except as otherwise necessary to meet the requirements of federal law. In the latter case the Legislature, by two-thirds vote of the membership of each house thereof, with the advice of judges within the affected court, may provide for their election by the system prescribed in subdivision (d), or by any other arrangement. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

~~(2) In counties in which there is one or more municipal court districts, judges of superior and municipal courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.~~

(c) Terms of judges of superior courts are ~~6~~ six years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the second January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d)(1) Within 30 days before August 16 preceding the expiration of the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed to the office presently held by the judge. If the declaration is not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether the candidate shall be elected. The candidate shall be elected upon receiving a majority of the votes on the question. A candidate not elected may not be appointed to that court but later may be nominated and elected.

(2) The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which the appointee had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

(3) Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

Eighth—That Section 23 of Article VI is amended to read:

SEC. 23. (a) The purpose of the amendments to Sections 1, 4, 5, 6, 8, 10, 11, and 16, of this article, and the amendments to Section 16 of Article I, approved at the June 2, 1998, primary election is to permit the Legislature to provide for the abolition of the municipal courts and unify their operations within the superior courts. Notwithstanding Section 8 of Article IV, the implementation of, and orderly transition under, the provisions of the measure adding this section may include urgency statutes that create or abolish offices or change the salaries, terms, or duties of offices, or grant franchises or special privileges, or create vested rights or interests, where otherwise permitted under this Constitution.

(b) When the superior and municipal courts within a county are unified, the judgeships in each municipal court in that county are abolished and the previously selected municipal court judges shall become judges of the superior court in that county. The term of office of a previously selected municipal court judge is not affected by taking office as a judge of the superior court. The 10-year membership or service requirement of Section 15 does not apply to a previously selected municipal court judge. Pursuant to Section 6, the Judicial Council may prescribe appropriate education and training for judges with regard to trial court unification.

(c) Except as provided by statute to the contrary, in any county in which the superior and municipal courts become unified, the following shall occur automatically in each preexisting superior and municipal court:

(1) Previously selected officers, employees, and other personnel who serve the court become the officers and employees of the superior court.

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- (2) Preexisting court locations are retained as superior court locations.
- (3) Preexisting court records become records of the superior court.
- (4) Pending actions, trials, proceedings, and other business of the court become pending in the superior court under the procedures previously applicable to the matters in the court in which the matters were pending.
- (5) Matters of a type previously within the appellate jurisdiction of the superior court remain within the jurisdiction of the appellate division of the superior court.

(6) Matters of a type previously subject to rehearing by a superior court judge remain subject to rehearing by a superior court judge, other than the judge who originally heard the matter.

(7) Penal Code procedures that necessitate superior court review of, or action based on, a ruling or order by a municipal court judge shall be performed by a superior court judge other than the judge who originally made the ruling or order.

(d) *This section shall remain in effect only until January 1, 2007, and as of that date is repealed.*



## PROPOSITION 49

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

## PROPOSED LAW

AFTER SCHOOL EDUCATION AND  
SAFETY PROGRAM ACT OF 2002

SECTION 1. This act shall be known, and may be cited, as the "After School Education and Safety Program Act of 2002."

SEC. 2. The people find and declare all of the following:

(a) Studies by law enforcement and nonprofit organizations show that the after school hours between 3 p.m. and 6 p.m. on school days are the peak hours for children to become victims of violent crimes or to commit violent crimes themselves. The after school hours are also the peak hours for drug and alcohol use and car accidents involving children.

(b) Research shows after school programs have a major positive impact on society by making our streets safer, and reducing risk taking behavior such as alcohol, tobacco and drug use by teenagers.

(c) Studies by the University of California Los Angeles and the University of California Irvine of existing after school programs in California show the after school programs have a major positive impact on the education of our children by increasing school attendance, reducing suspensions, and improving standardized test scores.

(d) After school programs save taxpayer money by reducing crime, reducing health costs associated with drug and alcohol use, cutting grade repetition, and reducing the need for remedial education.

(e) After school programs help working families by providing their children a safe, educationally enriching place to go after school when there is no parent at home.

(f) School buildings, playgrounds, and other school facilities are a huge taxpayer investment, and they can and should be better utilized during before and after school hours, especially for after school programs for California's children.

(g) The After School Learning and Safe Neighborhoods Partnerships Program has successfully provided incentive grants for after school and nonschoolday programs that have proven to increase academic performance and to improve behavior of children, especially children at risk.

(h) Only a small portion of elementary and middle schools in California currently operate an after school program. With approximately 50 percent of California's children having either a single working parent, or two parents who both work, after school programs have become a necessity, not a luxury.

(i) Although new funding of after school programs is extremely important, revenues guaranteed by law for our public school system pursuant to Proposition 98 should first be fully appropriated and therefore not be used to increase the funding of these after school programs. The new funding for after school programs will therefore be funded above the legally required educational funding.

(j) And because there are essential, noneducation state programs that need continued funding, increasing funding for these after school programs should occur only after substantial growth in state revenues not guaranteed for education purposes.

SEC. 3. Therefore the people enact the After School Education and Safety Program Act to encourage schools and school districts to use school facilities and other appropriate locations to provide a safe and educationally enriching place for children in grades K through 9 to be when they are not in school and to accomplish the following specific purposes:

(a) To rename the After School Learning and Safe Neighborhoods Partnerships Program the After School Education and Safety Program (ASESP), but not to change its program operations under existing law and to continue to require a 50 percent match of local funding.

(b) To expand ASEP funding to a level sufficient to:

(1) First, fund all existing before and after school and nonschoolday grants.

(2) Second, make available universal after school incentive grants to every public (including charter) elementary, middle, and junior high school in California making an acceptable application.

(3) Third, increase funding for before and after school programs beyond current appropriations when more state revenue is available.

(c) To give priority for increased state funding to schools with predominantly low-income students from funds available once every eligible school has the opportunity to receive an initial universal after school grant.

(d) To add computer training, fine arts, and physical fitness programs to the educational/literacy and enrichment/recreational components of existing law.

(e) To solicit local law enforcement input in program development.

(f) To fund the expansion of state grants to schools for this program only out of growth in state revenues, instead of new taxes, and only after state revenues that are otherwise legally guaranteed to fund education programs have already been fully appropriated.

(g) To appropriate four hundred sixty-five million dollars (\$465,000,000) for new program expenditures above the existing statutory appropriation of eighty-five million dollars (\$85,000,000) for a total of five hundred fifty million dollars (\$550,000,000), much of which will be offset from savings expected from reduced costs in crime and education.

(h) To make sure this new four hundred sixty-five million dollar (\$465,000,000) appropriation is not an undue burden on other state programs, to provide a trigger to increase the eighty-five million dollar (\$85,000,000) appropriation in the 2004–05 fiscal year or later when and only if state revenues have grown sufficiently over the highest of the 2000–01, 2001–02, 2002–03, or 2003–04 fiscal years to provide more than one billion five hundred million dollars (\$1,500,000,000) in new appropriations not guaranteed for education purposes.

(i) To ensure each school gets the highest quality program possible, provide 1½ percent of the appropriation for the program for technical assistance and program evaluation.

SEC. 4. The heading of Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of the Education Code is amended to read:

Article 22.5. ~~Before and After School Learning and Safe Neighborhoods Partnerships Program~~  
*After School Education and Safety Program*

SEC. 5. Section 8482 of the Education Code is amended to read:  
8482. There is hereby established the *After School Education and Safety Program*. All references to it by its prior name, the Before and After School Learning and Safe Neighborhoods Partnerships Program, in this article and other state law shall now identify it by its new name. The purpose of this program is to create incentives for establishing locally driven before and after school enrichment programs both during schooldays and summer,